

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JOSEPH HAYES,

Plaintiff

v.

WALGREENS BOOTS
ALLIANCE, INC.,

and

WALGREEN EASTERN CO.,
INC.

and

WALGREEN EASTERN CO.,
INC. d/b/a WALGREENS,

and

WALGREENS FAMILY OF
COMPANIES,

and

WALGREEN CO.,

and

JOHN DOE #1-10 (fictitious)

and

ABC CORPORATION #1-10
(fictitious),

Defendants.

:
: *Civil Action*

:
: **COMPLAINT**

Plaintiff, JOSEPH HAYES, by and through his attorney, Michael E. Ellery, Esq., states:

PARTIES

1. Plaintiff, Joseph Hayes, is a citizen of New Jersey who resides at 4 Watson Ave.,
Bridgeton, NJ 08302.

2. Defendant Walgreens Boots Alliance, Inc. is a Delaware Corporation with its principal place of business located at 108 Wilmot Road, Deerfield, IL 60015.

3. Defendant Walgreen Eastern Co., Inc. is a New York Corporation with its principal place of business located at 108 Wilmot Road, Deerfield, IL 60015.

4. Defendant Walgreen Eastern Co., Inc d/b/a Walgreens is a New York Corporation with its principal place of business located at 108 Wilmot Road, Deerfield, IL 60015.

5. Defendant Walgreens Family of Companies is a business entity with its principal place of business located at 108 Wilmot Road, Deerfield, IL 60015.

6. Defendant Walgreen Co. is an Illinois Corporation with its principal place of business located at 108 Wilmot Road, Deerfield, IL 60015.

7. Defendant, John Doe #1-10 are fictitious named defendants who are individuals whose identities are unknown at the present but whose acts and/or omissions were a legal and factual cause of Plaintiff's injuries and damages.

8. Defendant, ABC Corporation #1-10 are fictitious named defendants who are companies, corporations or other business entities whose identities are unknown at the present but whose acts and/or omissions were a legal and factual cause of Plaintiff's injuries and damages.

JURISDICTION AND VENUE

5. Jurisdiction is founded in the United States District Court pursuant to 28 U.S.C. §1332 as the matter in controversy exceeds \$75,000.00, exclusive of interest and costs, and there is diversity of citizenship amongst the parties.

6. Venue lies in the United States District Court, District of New Jersey, pursuant to 28 U.S.C. §1391, as the event giving rise to Plaintiff's Complaint occurred in New Jersey.

FIRST COUNT

Defendants, Walgreens Boots Alliance, Inc., Walgreen Eastern Co., Inc., Walgreen Eastern Co., Inc., d/b/a Walgreens, Walgreens Family of Companies, and/or Walgreen Co.

7. On or about September 2, 2022, Plaintiff, Joseph Hayes, was a business invitee of Walgreens Store No. 7528, located at 9 Landis Ave., Bridgeton, NJ, which was at all times material, owned, operated, controlled, managed and/or maintained by defendants, Walgreens Boots Alliance, Inc., Walgreen Eastern Co., Inc., Walgreen Eastern Co., Inc., d/b/a Walgreens, Walgreens Family of Companies, and/or Walgreen Co. (hereinafter the “Walgreen defendants”).

8. At the above time and place, Plaintiff, Joseph Hayes, while lawfully inside the premises of Walgreens Store No. 7528, was caused to slip and fall on a hazardous condition near the front entrance, which the Walgreen defendants knew or should have known existed but failed to either cure the hazardous condition or warn of the hazardous condition.

9. The Walgreen defendants, through their employees, agents and management, were negligent in that they:

- a. Did not keep the premises in a safe condition;
- b. Did not exercise proper care of the premises;
- c. Caused a dangerous condition to exist on the premises;
- d. Allowed a dangerous condition to exist on the premises;
- e. Failed to provide proper safeguards and/or warnings of the hazardous condition on the premises;
- f. Failed to maintain the premises in a safe condition;
- g. Failed to provide proper, safe and clear access for persons using the premises;
- h. Created the harm that resulted in the injuries and damages sustained by Plaintiff,
- i. Failed to properly train and instruct its employees concerning proper maintenance

and safety of the premises;

j. Failed to properly inspect the premises; and

k. Were otherwise negligent in the care, custody, control and maintenance of the premises.

10. Plaintiff's fall was caused entirely by the acts and/or omissions of the Walgreen defendants and was due in no part to any act or failure to act by Plaintiff, Joseph Hayes.

11. As a result of the acts and/or omissions of the Walgreen defendants, Plaintiff, Joseph Hayes sustained diverse personal injuries of both a permanent and temporary nature, endured and will endure great pain, has been and will be compelled to expend large sums of money for physicians and other help in an attempt to cure himself of said injuries, has been and will be prevented from attending to his normal business and affairs, and has been otherwise damaged.

WHEREFORE, Plaintiff, Joseph Hayes, demands judgment against the Walgreen defendants for such sums as would reasonably and properly compensate him in accordance with the laws of the State of New Jersey, together with interest and cost of suit.

SECOND COUNT
Defendant, John Doe #1-10 (fictitious)

12. Plaintiff repeats each and every allegation in the First Count of this Complaint as though fully set forth at length herein.

13. On or about September 2, 2022, Plaintiff, Joseph Hayes, was a business invitee of Walgreens, Store No. 7528, located at 9 Landis Ave., Bridgeton, NJ, which was, at all times material, owned, controlled, managed and/or maintained by defendants, John Doe #1-10 (fictitious).

14. At the above time and place, Plaintiff, Joseph Hayes, while lawfully inside the premises of Walgreens Store No. 7528, was caused to slip and fall on a hazardous condition, which

the defendants, John Doe #1-10, (fictitious) knew or should have known existed on the premises but failed to either cure the hazardous condition or warn of the hazardous condition.

15. Defendants, John Doe #1-10 (fictitious) through their employees, agents and management, were negligent in that they:

- a. Did not keep the premises in a safe condition;
- b. Did not exercise proper care of the premises;
- c. Caused a dangerous condition to exist on the premises;
- d. Allowed a dangerous condition to exist on the premises;
- e. Failed to provide proper safeguards and/or warnings of the hazardous condition on the premises;
- f. Failed to maintain the premises in a safe condition;
- g. Failed to provide proper, safe and clear access for persons using the premises;
- h. Created the harm that resulted in the injuries and damages sustained by Plaintiffs,
- i. Failed to properly train and instruct its employees concerning proper maintenance and safety of the premises;
- j. Failed to properly inspect the premises; and
- k. Were otherwise negligent in the care and maintenance of the premises.

16. As a result of the acts and/or omissions of defendant, John Doe #1-10 (fictitious), Plaintiff, Joseph Hayes sustained diverse personal injuries of both a permanent and temporary nature, endured and will endure great pain, has been and will be compelled to expend large sums of money for physicians and other help in an attempt to cure himself of said injuries, has been and will be prevented from attending to his normal business and affairs, and has been otherwise damaged.

WHEREFORE, Plaintiff, Joseph Hayes, demands judgment against defendant, John Doe #1-10 (fictitious), for such sums as would reasonably and properly compensate him in accordance with the laws of the State of New Jersey, together with interest and cost of suit.

THIRD COUNT
Defendant, ABC Corporation #1-10 (fictitious)

17. Plaintiff repeats each and every allegation in the First and Second Counts of this Complaint as though fully set forth at length herein.

18. On or about September 2, 2022, Plaintiff, Joseph Hayes, was a business invitee of Walgreens, Store No. 7528, located at 9 Landis Ave., Bridgeton, NJ, which was at all times material, owned, controlled, managed and/or maintained by defendant, ABC Corporation #1-10 (fictitious).

19. At the above time and place, Plaintiff, Joseph Hayes, while lawfully inside the premises of Store No. 7528, was caused to slip and fall on a hazardous condition, which defendant, ABC Corporation #1-10 (fictitious) knew or should have known existed on the premises but failed to either cure the hazardous condition or warn of the hazardous condition.

20. Alternatively, defendants, ABC Corporation #1-10, (fictitious) are companies or other entities that were negligent, careless, and/or reckless in causing or contributing to the injuries and damages sustained by the Plaintiffs.

21. Defendant, ABC Corporation #1-10 (fictitious) through their employees, agents and management, were negligent in that they:

- a. Did not keep the premises in a safe condition;
- b. Did not exercise proper care of the premises;
- c. Caused a dangerous condition to exist on the premises;
- d. Allowed a dangerous condition to exist on the premises;

- e. Failed to provide proper safeguards and/or warnings of the hazardous condition on the premises;
- f. Failed to maintain the property in a safe condition;
- g. Failed to provide proper, safe and clear access for persons using the premises;
- h. Created the harm that resulted in the injuries and damages sustained by Plaintiffs, and
- i. Failed to properly train and instruct its employees concerning proper maintenance and safety of the premises;
- j. Failed to properly inspect the premises; and
- k. Were otherwise negligent in the care, custody control and maintenance of the premises.

22. As a result of the acts and/or omissions of defendants, ABC Corporation #1-10 (fictitious), Plaintiff, Joseph Hayes, sustained diverse personal injuries of both a permanent and temporary nature, endured and will endure great pain, has been and will be compelled to expend large sums of money for physicians and other help in an attempt to cure himself of said injuries, has been and will be prevented from attending to his normal business and affairs, and has been otherwise damaged.

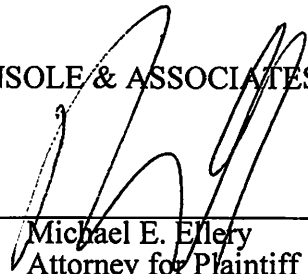
WHEREFORE, Plaintiff, Joseph Hayes, demands judgment against defendant, ABC Corporation #1-10 (fictitious), for such sums as would reasonably and properly compensate him in accordance with the laws of the State of New Jersey, together with interest and cost of suit.

DEMAND FOR JURY

PLEASE TAKE NOTICE that the Plaintiff hereby demands a jury trial as to all of the within issues.

CONSOLE & ASSOCIATES, P.C.

By: _____


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